



CERTIFICATE OF MAILING

Hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: June 25, 2003

Alice Sutanandi  
Alice Sutanandi

DT14 Rec'd PCT/PTO 30 JUN 2003

Hunter

PCT

PATENT  
216019-40

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: VINEY et al.

Art Unit:

Serial No.: 10/009,062

Examiner:

Filed: December 6, 2001

Title: Gene Expression Modulated In  
Gastrointestinal Inflammation

REQUEST FOR PERMISSION TO WITHDRAW AS  
ATTORNEY OF RECORD (37 C.F.R. § 10.40(c))

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned attorney, on behalf of himself and the other attorneys of record, who are members or associates in the firm of O'MELVENY & MYERS LLP, or who were so listed at the time of their appointment, and on behalf of any attorneys appointed by any of the attorneys on whose behalf this petition is filed, requests the approval of the Commissioner to withdraw as attorneys of record.

The attorneys on whose behalf this request to withdraw is filed include:

BERLINER, Brian M., Registration No. 34,549  
AJALAT, Christiana M., Registration No. 50,956  
DALKE, David, Registration No. 40,980  
FITZSIMMONS, Todd E., Registration No. 44,683  
HSUEH, Peter C., Registration No. 45,574  
JAECH, Jonathan A., Registration No. 41,091  
MILLER, Mark E., Registration No. 31,401  
SCHRADER, Scott A., Registration No. 47,928  
YAGURA, Ryan K., Registration No. 47,191

The present mailing address of the attorneys of record is:

O'MELVENY & MYERS LLP  
400 South Hope Street  
Los Angeles, CA 90071-2899

The present mailing address of the Applicants are:

Ms. Joanne Viney  
4141 Beach Drive SW  
Seattle, WA 98116

Mr. John E. Sims  
4207 43<sup>rd</sup> Avenue North East  
Seattle, WA 98105

Mr. Robert F. Dubose  
6151 156<sup>th</sup> Place South East  
Bellevue, WA 98006

Mr. Brian S. Hillbush  
5690 Willowmere Lane  
San Diego, CA 92130

Mr. Karl W. Hasel  
247 South Nardo Ave.  
Solana Beach, CA 92075

Mr. Robert R. Buchner  
7161 Park Village Road  
San Diego, CA 92129

Items pertinent to the request for withdrawal are set forth below.

1. Basis For Withdrawal Request. The basis for the request for withdrawal is 37 C.F.R. 10.40(c)(5), the practitioner's client knowingly and freely assents to termination of the employment.
2. Notification Of Client: In accordance with 37 C.F.R. § 10.40(a), copies of this request are being sent to the Applicants.

At least thirty (30) days remain for the Applicants to take any action due in this case or an appropriate request for extension of time accompanies this request seeking additional time. The attorneys on whose behalf this petition is filed will ensure that the Applicants has sufficient time after approval of this request to reply or employ another to reply to any outstanding requirement of the U.S. Patent and Trademark Office.

3. Number Of Copies Of Request. This request is enclosed in triplicate.

Further communications regarding this application should be directed to the Applicant at the following address:

Ms. Joanne Viney  
Mr. John E. Sims  
Mr. Robert F. Dubose  
Mr. Brian S. Hillbush  
Mr. Karl W. Hasel  
Mr. Robert R. Buchner  
c/o DIGITAL GENE TECHNOLOGIES, INC.  
11149 North Torrey Pines Road  
La Jolla, CA 92037

Signature of the authorized attorney on behalf of himself and the other attorneys of record of the withdrawing firm, O'Melveny & Myers LLP.

Respectfully submitted,



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Brian M. Berliner  
Authorized Attorney  
Registration No. 34,549

Date: June 25, 2003

**O'MELVENY & MYERS LLP**  
400 South Hope Street  
Los Angeles, CA 90071-2899  
Telephone: (213) 430-6000

cc: Robert Sutcliffe, Esq.  
Digital Gene Technologies, Inc.